

Dear attorney Todd Brodeur of Fletcher Tilton PC

I have read and reviewed your legal opinion dated March 3rd, 2022. And it's my opinion that 50 Potter Hill Road is a non-conforming lot pursuant to the Grafton by-laws section 3.2.3.2 intensity of use schedule and 52 Potter Hill Road is also a non-conforming lot under the theory of infectious invalidity.

Section 3.2.3.2 intense of use schedule clearly states your minimum frontage and lot width in an R-40 zoning district is 140 feet measured from the front building setback line.

**Under Section 2 of our Grafton bylaws definitions**

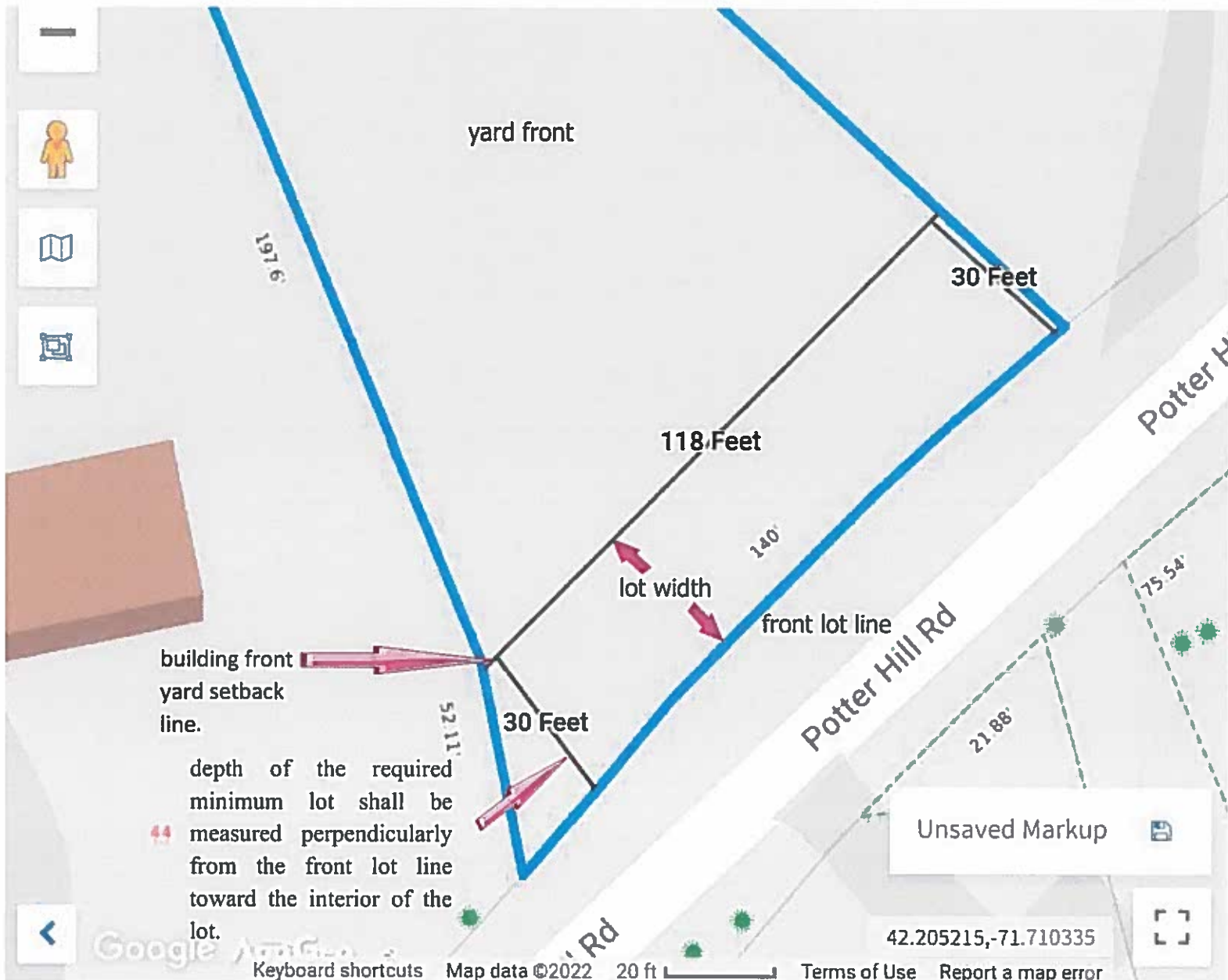
**Frontage:** The continuous linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot.

**Lot Width** is the linear distance from side lot line to side lot line measured along the building front yard setback line.

My interpretation of this language is that you measure 30 feet back from the front yard setback line which in this case is 30 feet measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot.

Under exhibit I and separately attached to this document Land Planning, Inc Request for Zoning determination dated December 30, 2021, clearly measured incorrectly for the purpose of establishing lot width. under exhibit I Land Planning was establishing their lines using a side yard setback line and the front yard building line rather than correctly establishing the lot width via the front yard setback line.

Therefore, it's my opinion that 50 Potter Hill Rd is not a conforming lot because it lacks the minimum lot width requirements.



This document is an example of how to determine lot width on a site plan, the property lines and building front yard setback lines are only approximate measurements not to be used for any other purpose.

**Frontage:** The continuous linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot.

**Lot Width** is the linear distance from side lot line to side lot line measured along the building front yard setback line.

**Yard, Front:** An open, unoccupied space extending across the full width of the lot between the front wall of the principal building and the front lot line. The depth of the required minimum lot shall be measured perpendicularly from the front lot line toward the interior of the lot.

### 3.2.3.2 – Intensity of Use Schedule

Zoning District	Minimum Area (Sq. Ft.)	Minimum Frontage/ Lot Width (Ft)	Minimum Yards			Maximum Building Coverage (% of Lot)	Maximum Building Height (Ft)
			Front (Feet)	Side (Feet)	Rear (Feet)		
Low Density Residential (R-40)	40,000	140'	30	15	15	30	35